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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/555,340	05/25/2006	Ming Ji	P28758	3936
52123	7590	06/01/2010		
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191				
EXAMINER				
GELAGAY, SHEWAYE				
ART UNIT		PAPER NUMBER		
2437				
NOTIFICATION DATE		DELIVERY MODE		
06/01/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com

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### Office Action Summary

**Application No.**

10/555,340

**Applicant(s)**

JI ET AL.

**Examiner**

SHEWAYE GELAGAY

**Art Unit**

2437

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 May 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/CD)  
Paper No(s)/Mail Date 02/22/10
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

#### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/13/10 has been entered.
2. Claims 1 and 3 are amended.
3. Claims 1-9 have pending.

#### ***Response to Arguments***

1. With respect to the IDS submitted on 06/15/09, Examiner would like to point out that ISA has not provided the cited document. It is the Applicant's duty to provide a copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. Therefore, the Examiner is unable to consider cited non-patent literature.
2. With respect to the foreign priority application, the applicant argued that "Applicants have used the English language expression "ISMA header" in the present application merely as a general expression to refer to the information that is provided before the ISMA protected media payload is received and processed, and has no other specific meaning....Applicants also submit that it is inherent that an ISMA media stream contains such signaling information before the ISMP protected media payload is

received and processed. Applicants also submit that such "ISMA header" information, which is provided before the ISMA protected media payload, includes the IPMP tool list descriptor and the IPMP descriptor(s) (pointers)." Applicant further argued that "the basic concept is similarly described throughout Applicant's priority document, wherein this information is embedded in the beginning of the ISMA media stream to signal that the subsequent stream is protected, and by which tool it is protected." However, the cited portion of the priority document section 3.4 and 3.5 does not recite "the information that is provided before the ISMA protected media payload" or "embedding information in the beginning of the ISMA media stream".

3. Applicant argued that "to provide further evidence to support Applicants arguments provided above, the Examiner's attention is particularly drawn to the translated English language Abstract of corresponding International Application WO 2004/100442 A1." Examiner agrees with the applicant that there is adequate support for the claimed limitation on the International Publication WO 2004/10042, however, the foreign application (Japanese) lacks adequate support for the claimed limitation of the instant application..

The rest of the Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

#### ***Priority***

4. The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application. The disclosure of the invention in the Foreign priority application must be sufficient to comply with the requirements of the first

paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

The disclosure of the foreign priority application, Application No. 2003-131372, fails to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. 112 for one or more claims of this application. Application No. 2003-131372 does not describe that the ISMA media stream has an ISMA header.

#### ***Information Disclosure Statement***

5. The information disclosure statement filed 06/15/09 fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered. The Chinese Office Action has been submitted as NPL but has not been listed.
6. The information disclosure statement filed 02/22/10 fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S.

patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered. The Japanese Office Action dated 01/19/10 has been submitted as NPL but has not been listed.

7. The information disclosure statement filed 2/8/06 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. No copy has been provided for the non-patent literature listed under number 1, "Encryption and Authentication Specification", Version 1, (March 3, 2004), Internet Streaming Media Alliance.

***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such

omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: Claim 1 and 3 recite "a transmitting device", however, the recited limitations do not have any structural element to perform some function and produce a certain result and it appears to be non-functional descriptive material. Dependent claims 2 and 4-9 do not cure the deficiencies of the independent claim are also rejected for the same reason set forth above.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Own Admitted Art, (hereinafter Admission) in view of Shamoon et al. (hereinafter Shamoon) US 7,233,948 and in view of Herpel et al. "MPEG-4 Elementary stream management" 2000, Elsevier Science, pages 299-320 and in view of Takaku et al. (hereinafter Takaku) US 7,099,491.

12. As per claims 1 and 3:

Admission discloses a device which transmits an ISMA media stream subjected to MPEG-4 IPMP extension, wherein an ISMA media stream having an ISMA header and including contents as a payload is constituted, and the ISMA media stream is transmitted. (paragraph 2-5) Admission does not explicitly disclose IPMP tool list

descriptor representing, as a tool required for processing of the contents, at least one tool selected from a group including an IPMP tool, an ISMA Cryp decryption tool, and a key management (KMS ) tool is buried in the stream. Shamoon in analogous art, however discloses that IPMP tool list descriptor representing, as a tool required for processing of the contents, at least one tool selected from a group including an IPMP tool, an ISMA Cryp decryption tool, and a key management (KMS ) tool is buried in the stream. (col. 17, line 1–col. 19, line 46; col. 22, line 7–45) Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to modify the device disclosed by Admission with Shamoon in order to provide common formats and functions thereby easing difficulties in interoperability. (col. 1, lines 39–42; Shamoon)

Both references do not explicitly disclose wherein the ISMA media stream includes a plurality of payloads, wherein the header of the ISMA media stream includes an IPMP tool list descriptor and a plurality of IPMP descriptors, where each IPMP descriptor corresponds to one of the plurality of payloads, and wherein at least one IPMP descriptor is different from another IPMP descriptor of the plurality of IPMP descriptors. Herpel in analogous art, however, teaches wherein the ISMA media stream includes a plurality of payloads, wherein the header of the ISMA media stream includes an IPMP tool list descriptor and a plurality of IPMP descriptors, where each IPMP descriptor corresponds to one of the plurality of payloads, and wherein at least one IPMP descriptor is different from another IPMP descriptor of the plurality of IPMP descriptors. (2. Intellectual property management and protection; 5. Conveying object descriptors as a stream; and 8. Structuring content by grouping streams) Therefore, it



would have been obvious to one ordinary skill in the art at the time the invention was made to modify the device disclosed by Admission and Shamoon with Herpel in order to provide a system wherein IPMP descriptors can be updated or removed common formats and functions thereby easing difficulties in interoperability. (Herpel; 5. Conveying object descriptor as a stream)

None of the references explicitly disclose wherein the IPMP tool may be specified in a plurality of ways, including by using a fixed bit length IPMP tool ID, by using a list of IPMP tool IDs representing equivalent alternative tools, and by specifying standards that must be satisfied by the IPMP tool. Takaku in analogous art, however, discloses wherein the IPMP tool may be specified in a plurality of ways, including by using a fixed bit length IPMP tool ID, by using a list of IPMP tool IDs representing equivalent alternative tools, and by specifying standards that must be satisfied by the IPMP tool. (col. 12, line 32-col. 13, line 23; col. 15, line 1-col. 16, line 35) Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to modify the device disclosed by Admission and Shamoon and Herpel with Takaku in order to provide a system for generating IPMP information containing identification information IPMP system type and system version by burying the IPMP information into contents. (Abstract; Takaku)

As per claims 2, 4 and 8:

The combination of Admission, Shamoon, Herpel and Takaku teaches all the subject matter as discussed above. In addition, Shamoon further discloses wherein the

IPMP tool list descriptor is buried in an IOD of the ISMA media stream. (col. 17, line 1–col. 19, line 46; col. 22, line 7-45)

As per claim 5:

The combination of Admission, Shamoon and Herpel teaches all the subject matter as discussed above. In addition, Shamoon further discloses wherein the IPMP descriptor pointer is buried in an ES descriptor of the ISMA media stream. (col. 17, line 1–col. 19, line 46; col. 22, line 7-45)

As per claim 6:

The combination of Admission, Shamoon and Herpel teaches all the subject matter as discussed above. In addition, Shamoon further discloses wherein the IPMP descriptor pointer is buried in an ES descriptor of the ISMA media stream. (col. 17, line 1–col. 19, line 46; col. 22, line 7-45)

As per claims 7 and 9:

The combination of Admission, Shamoon and Herpel teaches all the subject matter as discussed above. In addition, Shamoon further discloses wherein an ISMA Cryp parameter used in the ISMA Cryp decryption tool is stored in ISMA Cryp\_Data extended from IPMP\_Data\_Base Class. (col. 17, line 1–col. 19, line 46; col. 22, line 7-45)

### ***Claim Rejections - 35 USC § 102***

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

14. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by anticipated by Shen et al. (hereinafter Shen) US 2004/0236956.

15. As per claims 1 and 3:

16. Shen teaches a transmitting device which transmits an Internet Streaming Media Alliance (ISMA) media stream subjected to MPEG-4 Intellectual Property Management and Protection (IPMP) extension, wherein an ISMA media stream having an ISMA header and including contents as a payload is constituted, wherein the ISMA media stream includes a plurality of payloads, wherein the header of the ISMA media stream includes an IPMP tool list descriptor and a plurality of IPMP descriptors, where each IPMP descriptor corresponds to one of the plurality of payloads, and wherein at least one IPMP descriptor is different from another IPMP descriptor of the plurality of IPMP descriptors, the IPMP tool list descriptor, representing as a tool required for processing of the contents, at least one tool selected from a group including an IPMP tool, an ISMA Crypt decryption tool, and a key management system (KMS)

tool, is buried in the ISMA media stream, wherein the IPMP tool may be specified in a plurality of ways, including by using a fixed bit length IPMP tool ID, by using a list of IPMP tool IDs representing equivalent alternative tools, and by specifying standards that must be satisfied by the IPMP tool, and the ISMA media stream is transmitted. ([0078]-[0095]; [0104]-[015], [0162]-[0192], [0220]-[0227])

As per claims 2, 4 and 8:

Shen teaches all the subject matter as discussed above. In addition, Shen further discloses wherein the IPMP tool list descriptor is buried in an IOD of the ISMA media stream. . ([0078]-[0095]; [0104]-[015], [0162]-[0192], [0220]-[0227])

As per claim 5:

Shen teaches all the subject matter as discussed above. In addition, Shen further discloses wherein the IPMP descriptor pointer is buried in an ES descriptor of the ISMA media stream. . ([0078]-[0095]; [0104]-[015], [0162]-[0192], [0220]-[0227])

As per claim 6:

Shen teaches all the subject matter as discussed above. In addition, Shen further discloses wherein the IPMP descriptor pointer is buried in an ES descriptor of the ISMA media stream. . ([0078]-[0095]; [0104]-[015], [0162]-[0192], [0220]-[0227])

As per claims 7 and 9:

Shen teaches all the subject matter as discussed above. In addition, Shen further discloses wherein an ISMA Cryp parameter used in the ISMA Cryp decryption tool is

stored in ISMA\_Cryp\_Data extended from IPMP\_Data\_Base Class. . ([0078]-[0095];  
[0104]-[015], [0162]-[0192], [0220]-[0227])

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHEWAYE GELAGAY whose telephone number is (571)272-4219. The examiner can normally be reached on 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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